

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

8/31/01
8/31/01
8/31/01

JASON E. BENSON : CIVIL ACTION
V. : NO. 1:CV-00-1229
WILLIAM G. ELLIEN, M.D., et al. : (Judge Caldwell)
: (Magistrate Judge Blewitt)

EXHIBIT "A" OF WILLIAM G. ELLIEN, M.D. IN SUPPORT OF HIS
ANSWER AND MEMORANDUM OF LAW IN OPPOSITION TO PLAINTIFF'S
MOTION FOR ORDER COMPELLING DISCLOSURE AND
DISCOVERY AND FOR EXPENSES AND SANCTIONS

FILED
SCRANTON

AUG 31 2001

PER _____
DEPUTY CLERK

March 30, 2001

**VIA CERTIFIED MAIL - RETURN
RECEIPT REQUESTED
Z 290 205 464**

Jason E. Benson, #DS-6483
SCI - Smithfield
1120 Pike Street
P.O. Box 999
Huntingdon, PA 16652

Re: **Benson v. Ellien, et al.**
U.S.D.C., Middle District of PA., No. 1:00-CV-1229
Our File No.: 076-1441

Dear Mr. Benson:

Enclosed you will find responses and objections to your Request for Admissions and "Interrogatories and Request for Production of Documents" on behalf of our client, Dr. Ellien, in regard to the above-captioned matter. Although you termed the Interrogatories as including document requests, with the exception of Interrogatory No. 5, you do not request any documents.

In regard to your letter of March 23, 2001, you refer to self-executing disclosures pursuant to Rule 26. First, I would point out, that you have failed to submit any such disclosures as of this time. Second, pursuant to our reading of the Court's Amended Standing Practice Order, applicable to pro se inmate litigation, it is our position that self-executing disclosures are not applicable to this action. In any event, our Motion to Dismiss is pending, and such disclosures we believe would not be appropriate prior to the motion's determination.

In your letter, you request that we provide you with "a complete copy of my medical records." Please be advised, that our client, Dr. Ellien, is not and has never been the custodian of your medical records and, while he, as any other of your medical providers has access to your records for the purpose of providing treatment, the records are and remain the property of the Department of Corrections. As such, our client does not have the authority, legal or otherwise,

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to produce for you a copy of your medical records file. Any such request for your medical records file must be made to the Department of Corrections, pursuant to their policies and procedures applicable to the provision of such records to inmates. We are not able to fulfill this request.

If you have any further questions, please do not hesitate to contact us.

Very truly yours,

ALAN S. GOLD
 SEAN ROBINS

ASG/SR:js
 Enclosures

7 290 205 464

US Postal Service
Receipt for Certified Mail

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

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